

REMARKS

The Office Action dated February 12, 2003 has been reviewed, and the application is amended herein in a further effort to place same in condition for allowance. Reconsideration of the application is respectfully requested.

During preparation of this Response, it was noted that the Aysta et al. reference (i.e. U.S. Patent No. 3 592 289) submitted with the Information Disclosure Statement on July 27, 2001 was not initialed by the Examiner on Form PTO-1449 attached to the Office Action dated November 8, 2002. A copy of this Form PTO-1449 is enclosed for the Examiner's reference. The undersigned requests that the Examiner acknowledge consideration of the above reference by initialing the reference and forwarding a copy of Form PTO-1449 to the undersigned with the next written communication.

Applicants acknowledge, with appreciation, the indication of allowability of Claim 6. However, Claim 1 from which Claim 6 depends is believed allowable for the reasons presented herebelow. Claims 3 and 25 are amended solely for clarification purposes. The additional claim amendments made herein are discussed below.

Claims 1, 4, 5, 7, 8, 10, 13, 18, 19 and 22-38 stand rejected under 35 USC 102 as anticipated by Miedema (U.S. Patent No. 5 806 258). Claim 4 is cancelled herein, rendering the rejection thereagainst moot. Independent Claim 1 is amended to recite "an elongate top cap positioned longitudinally along an upper one of said cross members and extending along a substantial portion of the longitudinal extent of said upper cross member". In contrast, the mounting bracket 107 in Miedema, which the Examiner equates with the "elongate top cap" recited in Claim 1, extends along only a small portion of the rail 71 and the upper base rail 43, as shown in the plan view of Figure 14. Claim 1 is therefore believed allowable over Miedema.

Claims 5, 7, 8, 18 and newly added Claim 41 depend from allowable Claim 1, are believed allowable therewith, and include additional features which further distinguish over Miedema. For example, Claim 5 recites that the mounting member includes a pair of opposed and distinct clamps disposed

on oppositely outwardly facing sides of the upper cross member. In contrast, the mounting bracket 106 in Miedema as pointed out by the Examiner is a one-piece component, and the flanges 110 are integrally formed therewith. Further, Claim 41 recites that the bracket is slidably movable longitudinally along the panel assembly. The Examiner equates the spring clips 61 in Miedema with the bracket recited in Claim 1. These spring clips 61 cannot slide longitudinally along the panel assembly. Instead, the spring clips 61 vertically engage the respective flanges 117 of bracket 107.

Independent Claim 10 is amended to recite "said hanger overlying an outer surface of one of said cover members and mounting a furniture component thereon." The spring clips 61 in Miedema do not overlie an outer surface of the respective cover panels 97. Instead, as shown in Figures 13 and 14 of Miedema, the spring clips 61 engage in openings 99-1 defined on the inside of the respective cover panels 97. Claim 10 is therefore believed allowable over Miedema.

Claims 13, 19 and added Claim 42 depend from allowable Claim 10 and are believed allowable therewith. Further, these claims include features which are believed to further distinguish over Miedema. In this regard, Claim 42 recites that the top cap extends along a substantial portion of the longitudinal extent of the upper frame member. This claim is believed allowable over Miedema for similar reasons as presented above with respect to Claim 1.

Independent Claim 22 is amended herein to recite "an elongate and rigid one-piece top cap positioned above and extending along a substantial portion of said rail member". As discussed above in relation to Claim 1, mounting bracket 107 in Miedema extends along only a small part of rail 71 or upper base rail 43, and Claim 22 is therefore believed allowable over Miedema.

Claims 23-26 depend from allowable Claim 22, are believed allowable by virtue of this dependence, and include additional features which distinguish over Miedema. Claim 24, for example, recites that the mounting structure is defined by a pair of opposed and generally C-shaped clamps which respectively engage and overlie opposite sides of the rail

member. It is not at all understood how the flanges 110 cited by the Examiner in relation to the above feature of Claim 24 can be considered to be C-shaped. In contrast, the flanges 110 are linear and project downwardly from bottom plate 108 of bracket 106. Further, Claim 26 recites that the mounting structure includes a plurality of two-piece clamps with the two pieces disposed in opposed relation with one another. Miedema discloses no such two-piece clamps. The bracket 106 is clearly a one-piece component.

Independent Claim 27 is amended to recite "a rigid and elongate top cap supported on an upper one of said supports and extending along a substantial portion thereof...and a plurality of brackets spaced longitudinally along said panel arrangement which clampingly and rigidly secure said top cap to said upper support". In Miedema, the bracket 107, in contrast to the above language, extends only a short longitudinal extent along the rail 71 or upper base rail 43. Further, Miedema does not teach a plurality of brackets spaced longitudinally along the panel arrangement for securement of the top cap to the rail 71 or 43. Instead, each bracket 107 is secured to the rail by a single bracket 106. Claim 27 is therefore believed allowable over Miedema.

Claims 28-31 depend from allowable Claim 27 and are believed allowable therewith. Further, these claims include additional features which further distinguish over Miedema. In this regard, Claim 30 recites "each said bracket is defined by a pair of identical clamps disposed in opposed relation...each said clamp having a lower C-shaped portion which overlies an upright side wall of said upper support". The Examiner equates each flange 110 of bracket 106 with a "clamp" as recited in Claim 30. However, each of these flanges 110 does not have a lower C-shaped portion. Instead, each flange 110 is linear.

Independent Claim 32 as amended recites "said hanger having a lower end portion disposed in direct load-bearing engagement with a lower one of said cross members". In Miedema, the spring clip 61 when installed on bracket 107 is not in direct load-bearing engagement with a lower rail. Instead, the clip 61 appears to be disposed in direct load

bearing relationship with the rail on which bracket 106 is mounted. Claim 32 is therefore believed allowable over Miedema.

Claims 33-35 and added Claim 43 depend from allowable Claim 32, and are believed allowable therewith. Further, these claims recite additional features which distinguish over Miedema. For example, Claim 33 recites that the top cap is secured to the upper cross member by a plurality of clamping members which are separate components from the top cap and are spaced-apart longitudinally along the panel arrangement. Miedema does not teach such a plurality of clamping members spaced longitudinally along the panel arrangement. Instead, each bracket 107 is secured to the rail by a single clip 106. Added Claim 43 recites that the hanger projects downwardly over an outwardly-facing side surface of one of the panels, and the lower end portion of the hanger is positioned adjacent and disposed in direct load-bearing relationship with the lower cross member. In Miedema, the spring clip 61 engages within an opening 99-1 defined on the inner side of the cover panel 97 and thus does not project downwardly over an outwardly facing side surface of the panel.

Claim 36 as amended recites "an elongate top cap positioned above said cross rail and secured thereto by a plurality of discrete clamps spaced longitudinally along said cross rail". In Miedema, the bracket 107 is not secured to the rail 71 or 43 by a plurality of discrete clamps spaced longitudinally along the rail. Instead, the brackets 107 at opposite ends of the rail are each supported by their own bracket 106. Claim 36 is therefore believed allowable over Miedema.

Claims 37 and 38 depend from what is believed to be an allowable Claim 36, are believed allowable therewith, and include additional features which further distinguish over Miedema.

Claims 1-3, 8, 11, 12, 14 and 20 stand rejected under 35 USC 102 as anticipated by Muller (U.S. Patent No. 5 875 596). Independent Claim 1 is amended to include the subject matter of dependent Claim 4. More specifically, Claim 1 recites "a mounting member engaging said lower portion of said top cap

and clampingly engaging said upper cross member from opposite outwardly facing sides thereof". Claim 4 was not rejected in view of Muller, and it is therefore submitted that Claim 1 which now includes Claim 4 is allowable thereover. However, for completeness, Muller discloses no such mounting member. In contrast, top cap 122 in Muller engages in a recess in top frame member 14.

Claims 2, 3, 8, 20 and added Claim 41, and Claims 11, 12, 14 and added Claim 42 respectively depend from what are believed to be allowable Claims 1 and 10, are believed allowable therewith, and include additional features which distinguish over Muller.

Claims 36 and 40 stand rejected under 35 USC 102 as anticipated by Muller '596. Independent Claim 36 recites "an open frame defined by a pair of vertically oriented uprights fixed to one another by at least one horizontally oriented cross rail which extends transversely between said uprights...an elongate top cap positioned above said cross rail and secured thereto by a plurality of discrete clamps spaced longitudinally along said cross rail". Muller discloses a top frame member 14 and bottom frame member 16 which engage vertical frame members 18 so as to define an exterior perimeter of the panel member 12. Panel member 12 includes an inner core 170, which is a lightweight, open-cell structure. The Examiner equates this inner core 170 with the cross rail recited in Claim 36. However, Muller teaches that core 170 is not a structural member (see column 7, lines 38-45). Accordingly, core 170 is clearly not an equivalent of the cross member which fixes a pair of uprights to one another, as recited in Claim 36. In Muller, the frame member 14 interconnects the vertical frame members 18, not core 170. Further, the top cap 122 positioned on frame member 14 is not secured to frame member 14 by a plurality of discrete clamps spaced longitudinally along frame member 14, as recited in Claim 36. Instead, top cap 122 is secured to frame member 14 by a pair of legs 148 which project downwardly into an upwardly opening recess defined in frame member 14. Claim 36 is therefore believed allowable over Muller.

Claim 40 depends from allowable Claim 36 and is believed allowable therewith. Further, Claim 40 contains additional features which distinguish over Muller.

Claims 9, 15-17, 21, 36 and 39 stand rejected under 35 USC 103 as obvious over Yu (U.S. Patent No. 5 852 904) and Muller '596. With respect to this rejection, the Examiner appears to take the position that the top cap 122 of Muller can be combined with the cross rail 42-1 (Figure 15B) of Yu. However, the Examiner does not provide any details of how this combination can be achieved, and neither do either of the cited references. More specifically, the top cap 122 in Muller includes a pair of downwardly projecting legs 148 which project into an upwardly opening recess defined in the frame member 14 on which top cap 122 is positioned. Further, the top cap 122 in Muller defines channels 156 which allow mounting of components on the panel structure. In Yu, rail 42-1 defines a pair of channels 55-1 which permit mounting of furniture components on the panel assembly. It is submitted that there is no motivation to add the load-bearing top cap 122 of Muller to Yu's panel structure, since rail 42-1 of Yu is already capable of functioning as a load-bearing member. Accordingly, the modification suggested by the Examiner is believed redundant.

Further, the legs 148 in Muller have lower ends 152 which are configured to engage within recesses defined between sidewardly projecting flange members 36 formed on the upper frame member 14, and no such structure is provided on the rail 42-1 of Yu which would allow securement of Muller's top cap 122 thereto. In addition, if the top cap 122 of Muller is somehow positioned on the rail 42-1 of Yu, the legs 148 and/or flanges 158 would block the channels 55-1 and render same inoperative for their intended purpose, which is to permit continuous off-modular adjustment of furniture components or return walls connected to the panel system (see column 2 of Yu, lines 38-53). In addition to the above, independent Claim 15 recites "said top cap having an upper wall structure defining an upwardly-opening T-shaped groove therein". Yu has no such T-shaped groove, and Muller's groove 156 as cited by the Examiner is not at all T-shaped. Instead, the groove 156

is L-shaped or U-shaped, and same opens sidewardly, not upwardly as recited in Claim 15. In view of the above, Claims 9, 15-17, 21, 36 and 39 are believed allowable over Yu and Muller.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested.

Respectfully submitted,



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